

IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE - SW/8 Jenifer Road, 253' +/- S of the c/l of Padonia Road (12006 Jenifer Road) 8th Election District 3rd Councilmanic District The Padonia Corporation Petitioner

* BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 94-18-SPHXA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing, Special Exception and Variance filed by the owners of the subject property, The Padonia Corporation, by its president, Fred Rigger, through his attorney, Newton A. Williams, Esquire. The Petitioner requests a special hearing to modify and amend the previously approved site plan in Case No. 70-127-X to upgrade the subject property to include a Class B, Group Child Care Center, a special exception to approve a Class B, Group Child Care Center on the subject property, and variance relief from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 539 existing parking spaces in lieu of the required 885 spaces, and from Sections 409.4 and 409.8 of the B.C.Z.R. to permit the continued use of 539 spaces, primarily without a durable and dustless surface, and not permanently striped, all as more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petitions were Fred and Ira Rigger, Principals in The Padonia Corporation, Fred Craig and Steve Hill on behalf of Brown & Craig, Inc., Architects, Michael Martyn, Professional Engineer, and Kelli J. Farrell, an employee of The Padonia Corporation who will oversee the operation of the proposed Child Care Center. There were no Protestants present.

Testimony indicated that the subject property, known as 12006 Jenifer Road, consists of 29.3465 acres, more or less, zoned R.C. 5 and is the site of the Padonia Park Club which has existed on the property since the late 1950s. Existing improvements on the site include several swimming pools, a small lake, softball field, volleyball and basketball courts, a community building and other accessory structures ancillary to the club use. The Petitioners are desirous of upgrading existing facilities on the site, including the addition of a two-story community building, the first floor of which will be utilized for a Child Day Care Center and the second floor for multi-purpose activities. The Petitioners also propose to construct a resident manager's dwelling on 1.14 acres of land in the northwest corner of the subject site.

Testimony indicated that the proposed Class B Group Child Care Center had operated at the Maryvale School for the past 18 years and recently lost its lease. Several of the parents who had children at that facility formed a search committee for a site to relocate the center and have determined that the club property would be a suitable site for the day care center. As noted above, the proposed day care center will be located on the first floor of the proposed two-story community building in the location shown on Petitioner's Exhibit 1. Testimony indicated the center will provide services for up to 80 children between 2 and 5 years of age and will operate between the hours of 7:00 AM and 6:00 PM, five days a week. Testimony indicated that most of the staff from the Maryvale School plan to transfer to the new location to participate in the operation of the day care facility.

Further testimony indicated that there is no need for additional signage and that the existing sign identifying the Padonia Park Club will

remain in its present location with no changes made thereto. It should also be noted that all of the Zoning Plans Advisory Committee comments received from the various Baltimore County reviewing agencies were favorable and recommended approval of the Petitioner's requests.

Mr. Newton Williams, attorney for the Petitioners, proffered testimony that the Petitioner's request for special exception satisfies all of the requirements of Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, the Petitioner's request for special hearing to approve amendments and modifications to the previously approved site plan in prior Case No. 70-127-X should be granted in order to update the site plan for the subject property. As to the variances requested, the overwhelming testimony presented by the Petitioners was that the number of parking spaces provided are more than adequate to handle the proposed improvements with no affect whatsoever on the surrounding community. Furthermore, much of the parking is located on grassy areas within the subject site and is mostly utilized during special events. I agree with the Petitioners that these parking areas should remain in their present condition and that there is no need to require that they be paved.

It is clear that the B.C.Z.R. permits the use proposed in an R.C.5 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment

to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land and structures which are the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare and is within the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special hearing, special exception and variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 18th day of August, 1993 that the Petition for Special Hearing to modify and amend the previously approved site plan in Case No. 70-127-X to permit improvements to the subject property, including a Class B, Group Child Care Center, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to approve a Class B, Group Child Care Center on the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance requesting relief from Section 409.6 of the Baltimore County Zoning Regulations

(B.C.Z.R.) to permit 539 existing parking spaces in lieu of the required 885 spaces, and from Sections 409.4 and 409.8 of the B.C.Z.R. to permit the continued use of the said 539 spaces, primarily without a durable and dustless surface and not permanently striped, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioners shall have five (5) years from the date of this Order in which to utilize the special exception relief granted herein.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

August 18, 1993

Newton A. Williams, Esquire
210 W. Pennsylvania Avenue, Suite 700
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE
SW/8 Jenifer Road, 253' +/- S of Padonia Road
(12006 Jenifer Road)
8th Election District - 3rd Councilmanic District
The Padonia Corporation - Petitioners
Case No. 94-18-SPHXA

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Fred Rigger, President
The Padonia Park Club
P.O. Box 426, Timonium, Md. 21094-0426

Mr. Kelli J. Farrell
1846 Edgewood Road, Baltimore, Md. 21234

People's Counsel

File

Petition for Special Hearing to the Zoning Commissioner of Baltimore County for the property located at Padonia Road, West of Jenifer Road which is presently zoned R.C.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 502.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve a special hearing to modify, amend and upgrade the Padonia Park Club, as shown on the attached site plan, as originally approved in Case 70-127X, including a Class B, Group Child Care Center.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc. Upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

When a petitioner desires and affixes, under the penalty of perjury, that they are the legal owner of the property which is the subject of this petition.

Legal Owner:

THE PADONIA CORPORATION

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

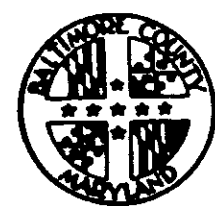
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Signature



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at Padonia Road, West of Jenifer Road
which is presently zoned R.C.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for a Class B, Group Child Care Center.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

With an advisory decision and after, under the provisions of section, that this use is the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):
The Padonia Corporation

(Type or Print Name)
Signature

Address

City State Zip

City State Zip

City State Zip

City State Zip

City State Zip

City State Zip

City State Zip

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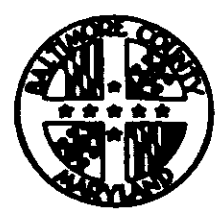
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Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at Padonia Road, West of Jenifer Road
which is presently zoned R.C.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Baltimore County 409.6 to permit 539 existing parking spaces in lieu of the required 885 parking spaces, and from Sections 409.6 and 409.8 to permit continued use of 539 spaces, primarily without a durable and dustless surface, and not permanently striped, not per an approved parking plan under Section 409.12.
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

See Exhibit A attached hereto.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

With an advisory decision and after, under the provisions of section, that this use is the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):
The Padonia Corporation

(Type or Print Name)
Signature

Address

City State Zip

City State Zip

City State Zip

City State Zip

City State Zip

City State Zip

City State Zip

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PETITION FOR VARIANCE
EXHIBIT A

1. That the Padonia Park club is an existing, approved Community Building, Recreational Area and Swimming Pool under Case No. 70-127-X, which has worked very well since the 1960's.

2. That this special hearing and variance case involves a proposal to upgrade the complex with an enlarged, improved club house, add a new community building with day care, and add an on-site manager's residence to better serve the existing membership, winter and summer. The day care represents a relocation of an area service badly in need of a new home.

3. The existing parking areas have worked well for three decades and can adequately serve the upgraded complex, since the new community building with day care is a moderate, primarily winter time use, while the other club facilities are primarily summer time uses, i.e., Memorial Day to Labor Day.

4. That thirty years experience has proven the parking to be adequate in numbers, location and design.

5. That it would greatly disturb the primarily open, grassy areas of the site to pave more of it with impermeable surfaces, for either the total grossly excessive technical parking requirement or for the purpose of creating more paved, striped parking.

6. That without the requested variances, the Petitioner will sustain practical difficulty and unreasonable hardship, and that requested variances will foster the health, safety and welfare of the area, and are in harmony with the spirit and intent of the Regulations.

4701C

LEO W. RADER

REGISTERED PROFESSIONAL SURVEYOR

HYDROGRAPHY
TOPOGRAPHY
GEODESY
SUBDIVISION ENGINEERING
TITLE SURVEYS
LAND PLANNING

38 Belfast Road - Timonium, Maryland 21093 Phone: (410) 252-2920

ZONING DESCRIPTION
PADONIA PARK CLUB 29.3465 ACRES
March 22, 1993

BEGINNING in the center of Jenifer Road at a point measured southerly 253 feet more or less along the center of Jenifer Road from its intersection with the center of Padonia Road Relocated, thence running in Jenifer Road by the two following courses and distances, respectively, viz: South 39 degrees 07 minutes 28 seconds East 130.67 feet and South 64 degrees 17 minutes 02 seconds East 126.59 feet to the southeast side of an electrical transmission line right of way 66 feet wide, thence binding thereon South 31 degrees 40 minutes 26 seconds West 1728.22 feet, thence leaving said right of way and running North 27 degrees 12 minutes 14 seconds West 1428.68 feet, thence North 36 degrees 03 minutes 02 seconds East 190.83 feet to the north side of another electrical transmission line right of way 66 feet wide, thence binding thereon North 80 degrees 49 minutes 32 seconds East 1268.00 feet to the place of beginning.

CONTAINING 29.3886 acres more or less.

SAVING AND EXCEPTING therefrom the Cemetery Lot situated near the southwesterly side of Jenifer Road and described as follows, to wit:

BEGINNING for said Cemetery Lot at a point measured South 56 degrees 10 minutes West 23.60 feet from the end of the first line of the above described parcel, thence running for the outlines of said Cemetery Lot as pointed out in the field by the surrounding owner, South 62 degrees 01 minute 13 seconds West 56.95 feet, North 8 degrees 10 minutes 56 seconds West 35.82 feet, North 33 degrees 26 minutes 45 seconds East 34.32 feet and South 44 degrees 18 minutes 26 seconds East 52.23 feet to the place of beginning.
CONTAINING 0.0421 of an acre more or less.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 7th Date of Posting: 7/19/93

Posted for: Special Hearing, Exemption & Variance

Petitioner: The Padonia Corp.

Location of property: 12006 Jenifer Rd., S.W., 29.3465 Padonia Rd.

Location of signs: Jenifer Rd. at on from to

Remarks: Padonia Park Club

Posted by: M. Williams Date of return: 7/30/93

Number of Signs: 3

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/29, 1993

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/29, 1993

THE JEFFERSONIAN,

A. Henricson
LEGAL AD. - TOWSON

ITEM #10

receipt

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Date: 7-7-93

THE PADONIA CORPORATION - 12006 JENIFER RD.

SPH; S.E.; VAR. (070) COMBINATION

POSTING 2 SIGNS

650.00

70.00

720.00

01A01N0031MCHRC \$720.00

BA C002154PM07-07-93

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

JUL 27 1993 (410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 West Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-18-SPHXA (Item 10)
12006 Jenifer Road - Padonia Park Club
SPH; S.E.; VAR. (070) COMBINATION
8th Election District - 3rd Councilmanic
Petitioner(s): The Padonia Corporation
HEARING: TOWSON, AUGUST 17, 1993 at 9:00 a.m. in Rm. 118, Old Courthouse.

Special Hearing to modify, amend, and upgrade the Padonia Park Club, as shown on the site plan, as originally approved in case #70-127-X, including a Class B, Group Child Care Center.
Special Exception for a Class B, Group Child Care Center.
Variance to permit 539 existing parking spaces in lieu of the required 885 parking spaces; and to permit continued use of 539 spaces, primarily without a durable and dustless surface and not permanently striped, nor per an approved parking plan.

Carl John

Arnold Jablon
Director

cc: The Padonia Corporation
Newton A. Williams, Esq.

NOTES: (1) EXISTING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD. 21204

(410) 887-3353

August 9, 1993

Newton A. Williams, Esquire
Nolan, Plimhoff & Williams, Chartered
700 Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Case No. 94-18-SPHXA, Item No. 10
Petitioner: The Padonia Corporation
Petition for Variance

Dear Mr. Williams:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on July 16, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 2, 1993
Zoning Administration and Development Management
FROM: Robert M. Swilling, Chief Engineer
Development Plan Review

RE: Zoning Advisory Committee Meeting
For August 2, 1993
Item No. 10

The Development Plan Review Section has reviewed the proposed zoning item. This proposal requires a building of greater height and will be subject to the requirements of the Baltimore Manual.

SWJ



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 7-10 (JEP)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for *Bob Small*
John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-482-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: July 28, 1993

SUBJECT: 12006 Jenifer Road

INFORMATION:

Item Number: 10

Petitioner: The Padonia Corporation

Property Size: _____

Zoning: R.C. 5

Requested Action: _____

Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

To gather more information regarding this request, staff contacted Newton Williams, the applicant's attorney, and Doug McComas, President of the Falls Road Community Association.

Based upon information provided by Mr. Williams, it is our understanding that the day care center to be relocated at the Padonia Park Club currently operates at Maryvale School. Staff recognizes the clear need to provide quality day care facilities throughout Baltimore County. Therefore, we recommend the Special Hearing and Special Exception be granted to facilitate the relocation of an existing day care operation to the subject property.

Padonia Park Club is characterized by a park like setting, and, as such, every effort should be made to preserve the quality of this privately provided recreation and open space amenity.

The applicant's plan indicated that 540 parking spaces will be available for the existing and proposed uses. The magnitude of the requested parking variance would, under most circumstances, be cause for concern. However, since the pool and community buildings are conjunctive uses, it appears that the parking requirement for these combined uses is excessive. In addition, the relief

ZAC.10/ZAC1

Pg. 1

requested regarding lack of a durable and dustless surface is reasonable, due to the seasonal nature of the primary use of the subject property. Therefore, staff supports the requested variances to Section 409.6 and 409.12 of the Baltimore County Zoning Regulations.

As no information has been provided regarding the need for a day care facilities sign, staff recommends that applicant meet with this office prior to issuance of any sign permit.

Prepared by: *Jeffrey M. Long*
Division Chief: *Carol Keller*
PK/JL:lw

ZAC.10/ZAC1

Pg. 2

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

August 5, 1993

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson, Jr.
Development Coordinator, DEPRM

SUBJECT: Zoning Item #10
Padonia Park Club, 12006 Jenifer Road
Zoning Advisory Committee Meeting of July 26, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

1. Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.
2. This site must comply with the Forest Conservation Act, which requires a Forest Stand Delineation, a Forest Conservation Plan, and a completed Forest Conservation Worksheet.
3. Soil percolation tests must be conducted and a water well must be drilled demonstrating adequate on-site water and sewerage utility capabilities, prior to the approval of the proposed Child Care Center. The applicant may contact Thomas Ernst of Ground Water Management at 887-2762 for additional information.

JLP:jbm

PADONIA/DCSBP

Baltimore County Government
Office of Law

400 Washington Avenue
Towson, MD 21204

(410) 887-4420
Fax (410) 296-0931

June 23, 1993

Newton A. Williams, Esquire
Suite 700, Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Cameron Mill

Dear Newton:

For some reason, I was left off of the mailing list from the Clerk of the Court of Special Appeals, although I suspect the County Attorney has some of the mail.

I understand that the Appellants' brief is due 12 July, the Appellees' brief is due 11 August and the Appellants' reply brief is due 18 August 1993. I have been informed by the Court of Special Appeals that possible dates for argument are September 7, 8, 9, 10, 13 or 14. All of these dates are available on my calendar.

We should talk some time to determine how we will structure the appeal. As you know, the Court of Special Appeals allows a mere 35 pages. Only in very, very, very, rare circumstances will the Court of Special Appeals grant a Motion to permit extra pages.

I would suggest that we each devise our own statement of facts so as to provide the widest possible spectrum to the Court by emphasizing different points. Pursuant to the rules, I can adopt parts of your brief and you can adopt parts of my brief. It might be worthwhile to utilize the principal brief which I filed before Judge Kahl, incorporate the pertinent references in the transcript, record or extract and allocate the arguments contained in my principal brief, verbatim, to either of our briefs in the Court of Special Appeals.

Have you and Carroll discussed the joint record extract?

Very truly yours,

Michael J. Moran
Michael J. Moran
Associate County Attorney

MJM/jd

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
SW/S Jenifer Rd., 253' to C/L : OF BALTIMORE COUNTY
Padonia Rd. Relocated (#12006 :
Jenifer Rd. - Padonia Park Club) : Case No. 94-18-SPHXA
8th Election District :
3rd Councilmanic District :
THE PADONIA CORPORATION, :
Petitioner :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Carole S. Demilio
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY that on this 29th day of July, 1993,
a copy of the foregoing Entry of Appearance was mailed to Newton A. Williams,
Esquire, Nolan, Plunhoff & Williams, Chtd., 700 Court Towers, 210 W.
Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

RECEIVED
JUL 30 1993
ZADM

LETTER OF TRANSMITTAL

ATTENTION: *JOHN LEWIS*
TO: *PADONIA PARK CLUB*
FROM: *MR. JABLON*
ZONING OFFICE
BALTO. CO.
SPECIAL HEARING
SPECIAL EXCEPTION
VARIANCES

WE ARE SENDING YOU ☐ Attached ☐ Under separate cover via _____ the following items:
☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order ☐

NO.	DATE	DESCRIPTION
12		PLATS (RE: AS ABOVE)
3		DESCRIPTIONS
1		1"=200' SCALE OFFICIAL ZONING MAP SHOWING PROJECT

THERE ARE TRANSMITTED as checked below:
☐ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval
☐ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return _____ corrected prints
☐ For review and comment ☐ FOR BIDS DUE _____ 19 _____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS: *FOR SPECIAL HEARING*

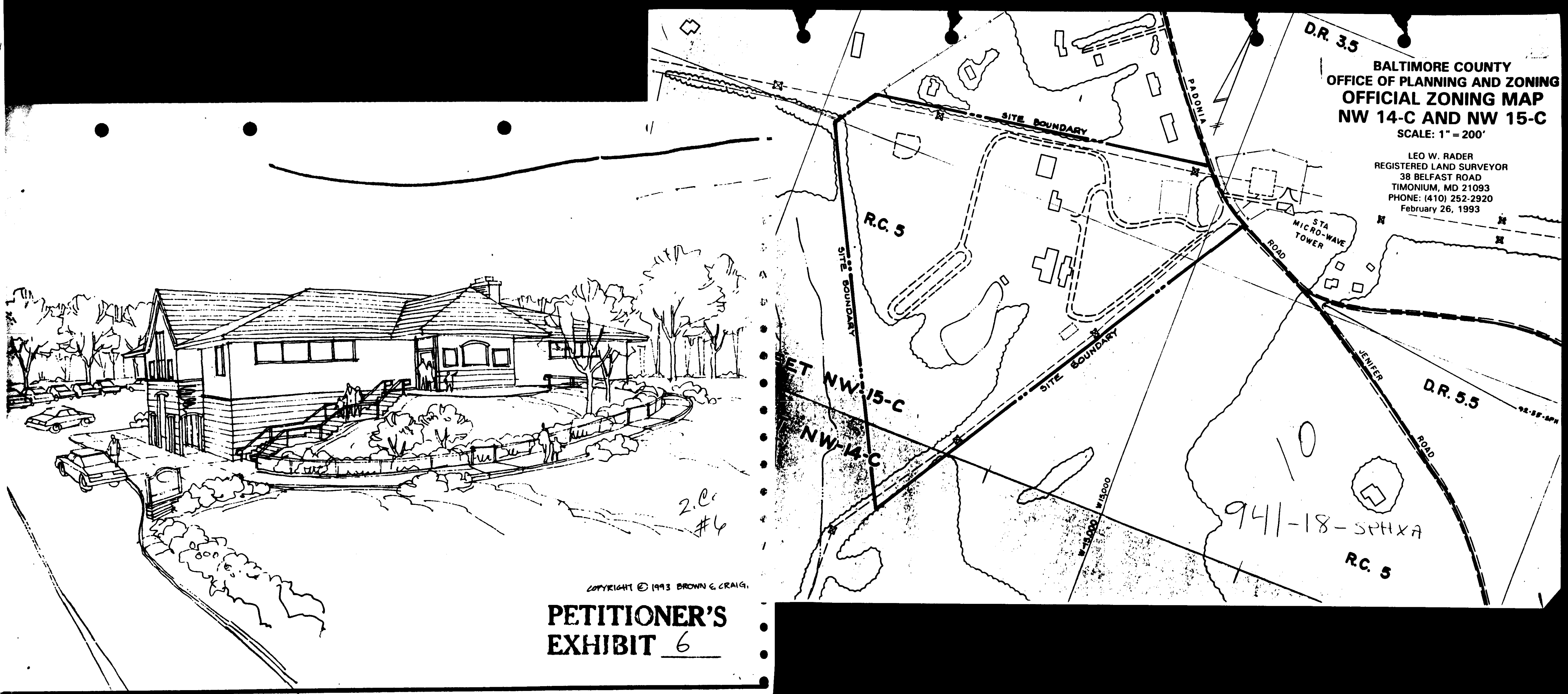
SIGNED: *Lee W. Rader*
If enclosures are not so noted, kindly advise us at once.

14-18-SPHXA
 Petitioning, S.E.
 VARIANCE

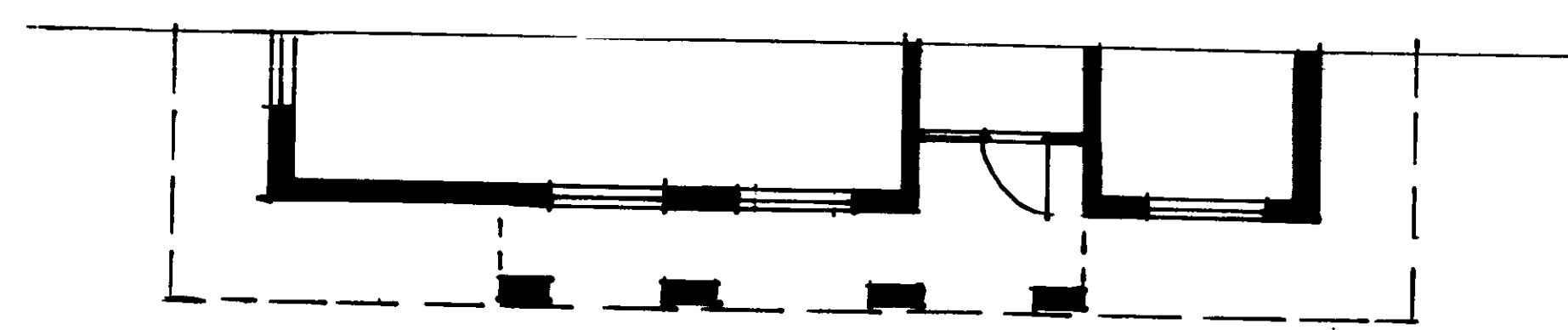
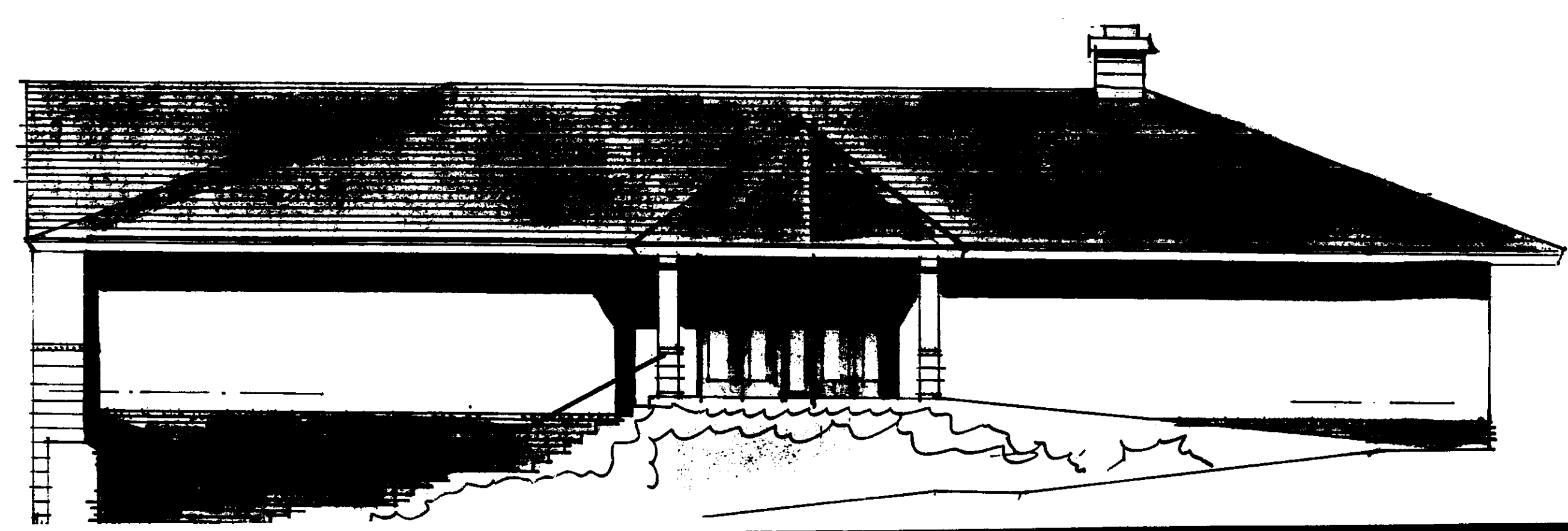
PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Keith J. Farrell	1846 Edgewood Rd (Baltimore) 21244
Joe C. Basso	1801 Ivy Hill Rd. 21236
FRANK C. BASSO	905 ARMY ROAD 21204
Fred J. Lee	2 Thurgill Ct. 21030
STEVE HILL	407 N. CHARLES ST. BAL. 21201
Michael A. Blythe	1. Linn Rd. Linn



PETITIONER'S EXHIBIT 3A



scale: 1/8"=1'-0"

PADONIA PARK CHILD CARE
 Design Development Studies

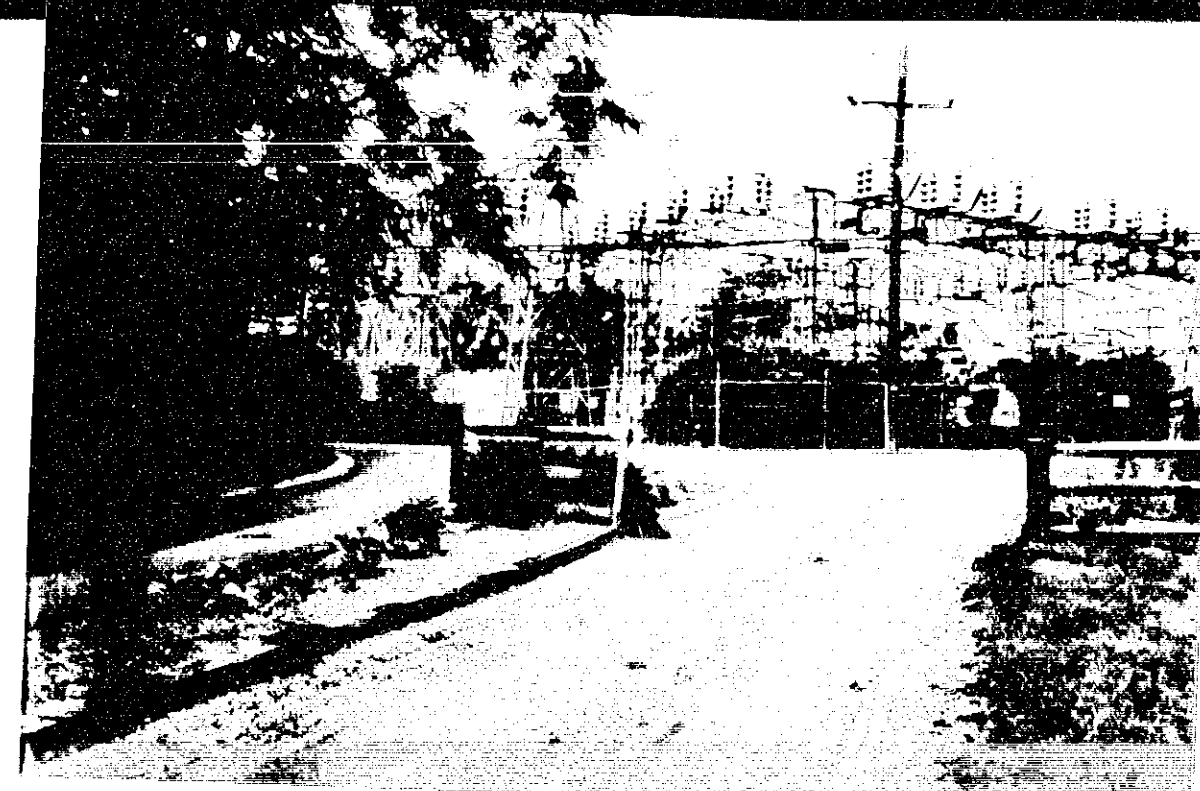
3B

4/13/93





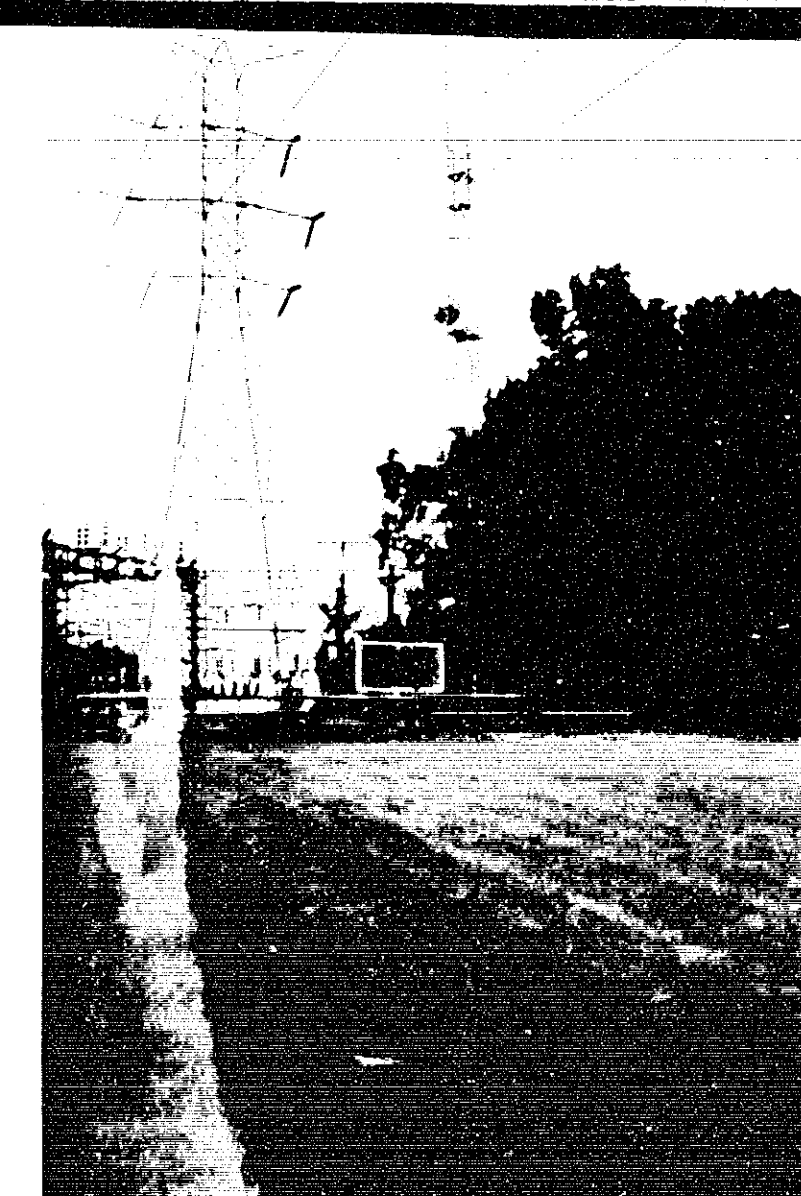
H. Zoning Signs on Frontage



B. Entrance looking NE at B6+E Yard, etc.



C. Looking SE along Transmiss Line SE 1/5 of Site



D. B6+E Line + Microwave Tower opp. site

Case No 94-18-SPAXA
Padonia Park Club
PETITIONER'S EXHIBIT 2A-2EE



E. Looking NE along dirt road



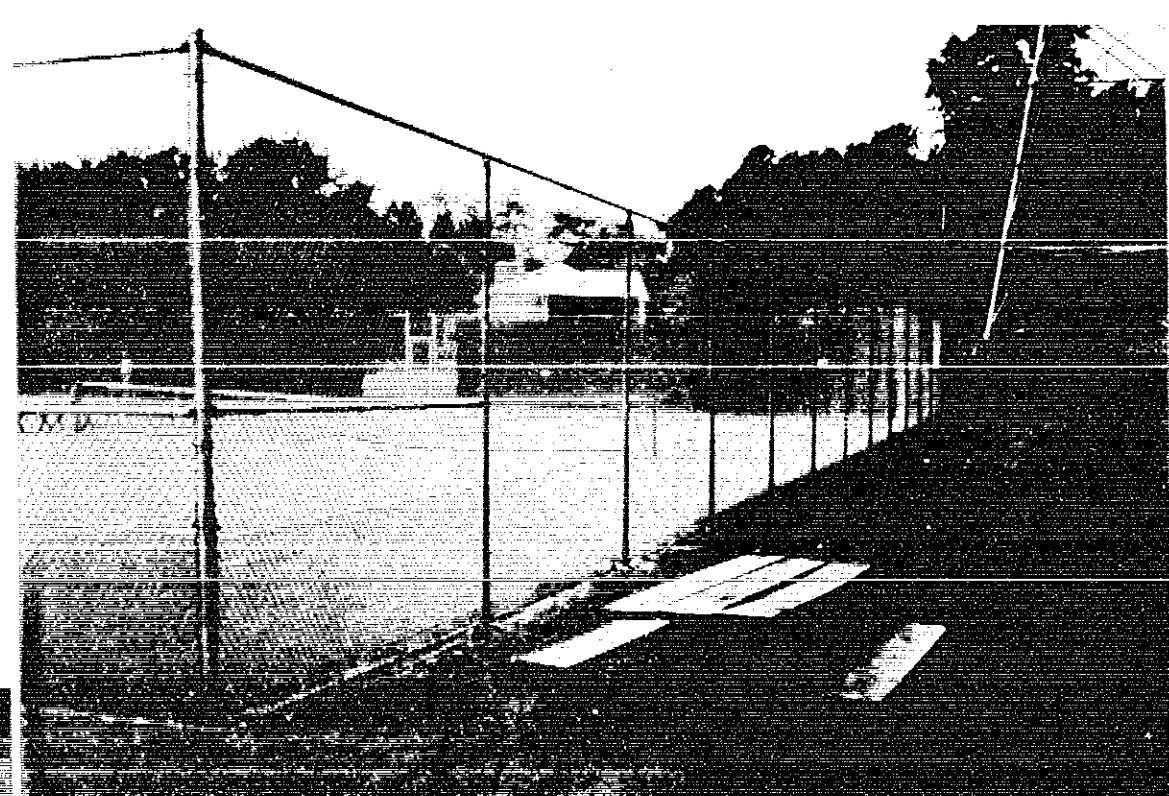
F. Typical Aug. afternoon parking



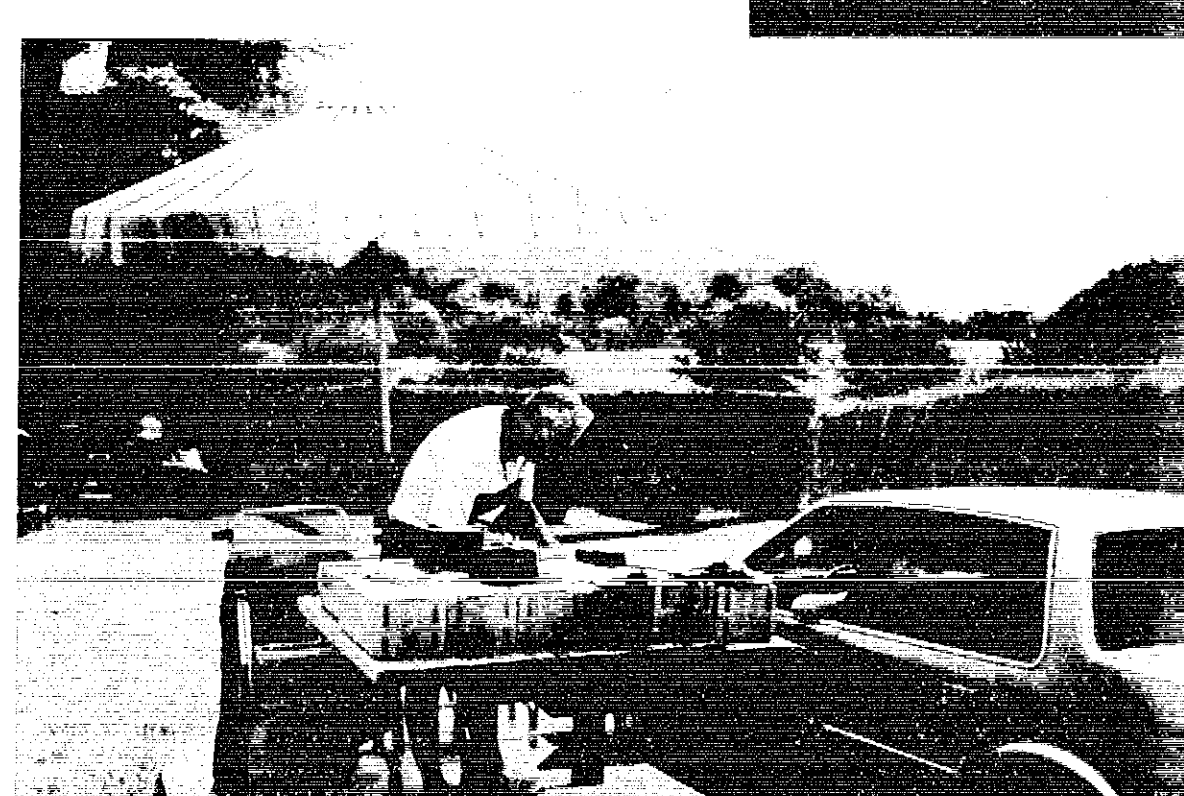
G. Looking NW from Entrance toward relocated Padonia Rd.



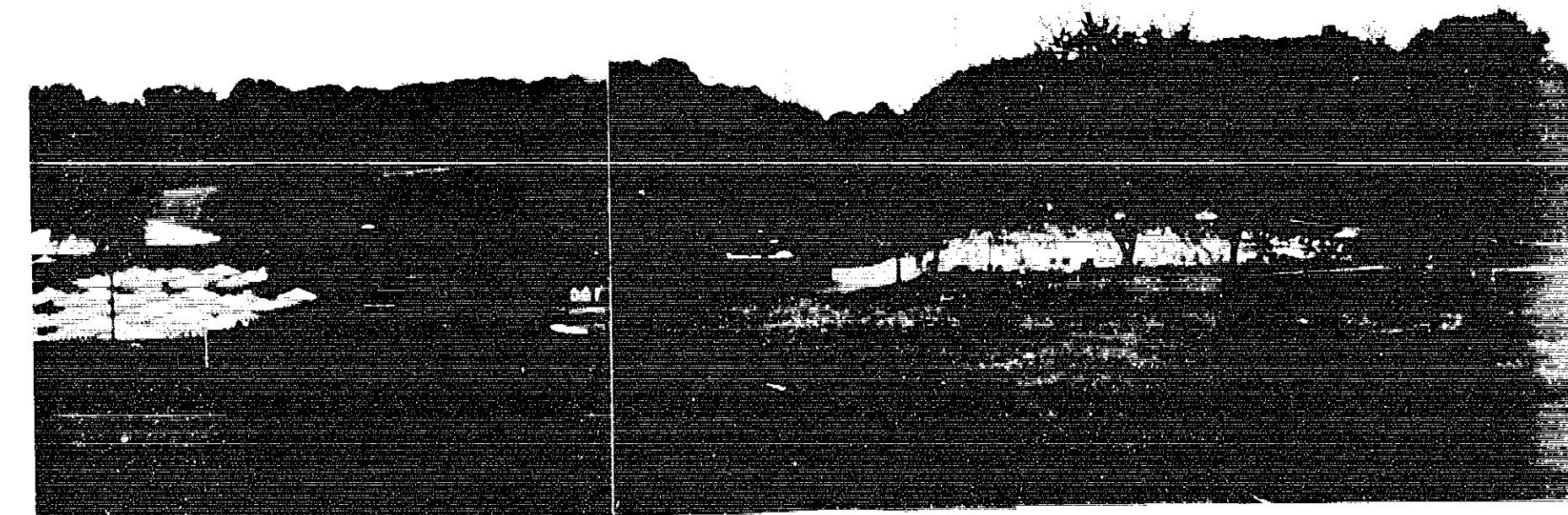
H. Looking SE of Jennifer Rd. from entrance



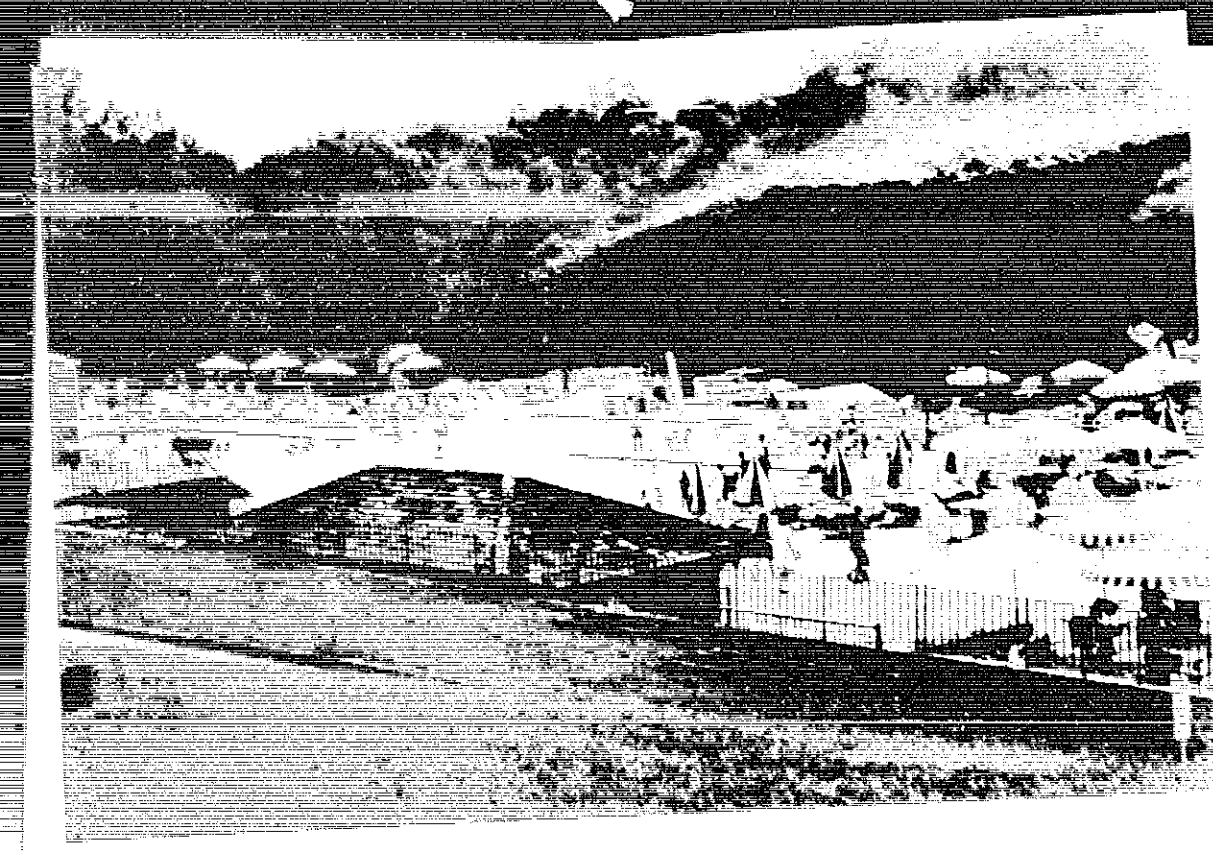
I. Tennis Courts near entrance



J. Summer Date Routine



K. Looking SW at food pavillion and Wirth Pool. — Daycare/Comm. Center Site in background.



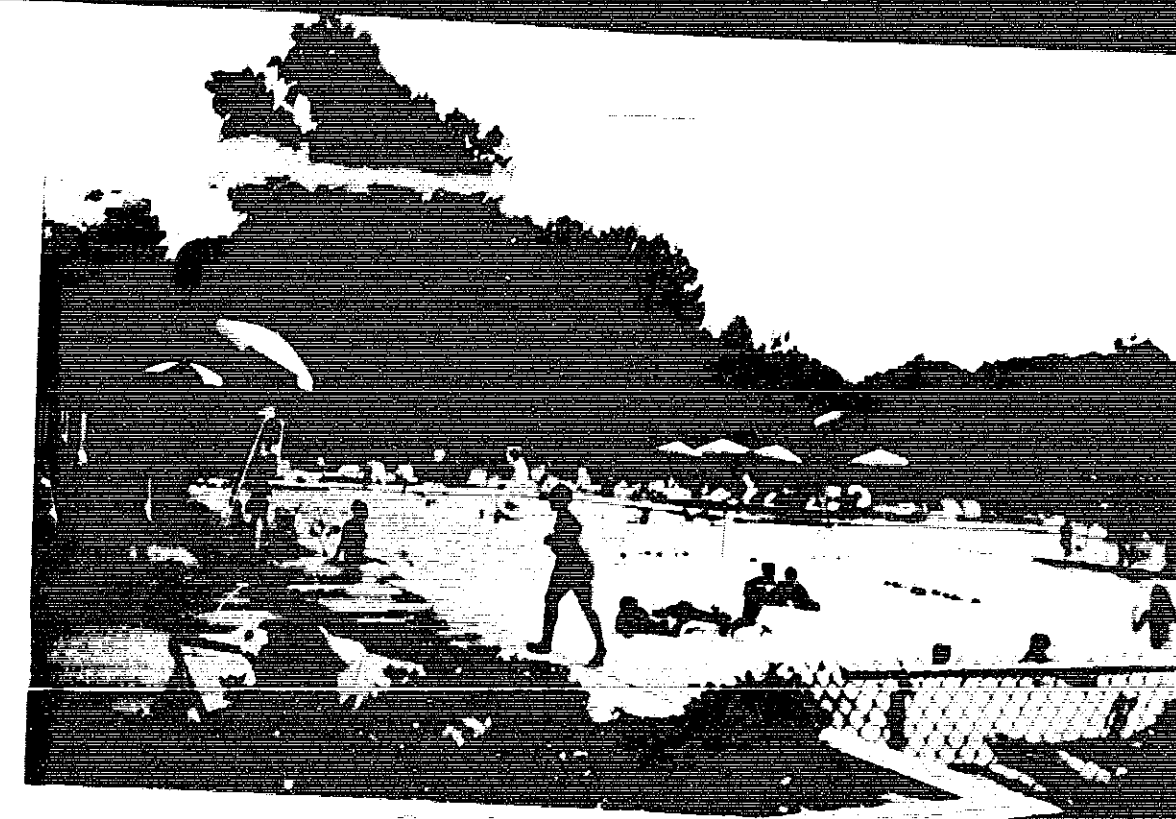
L. Pool on Main Pool



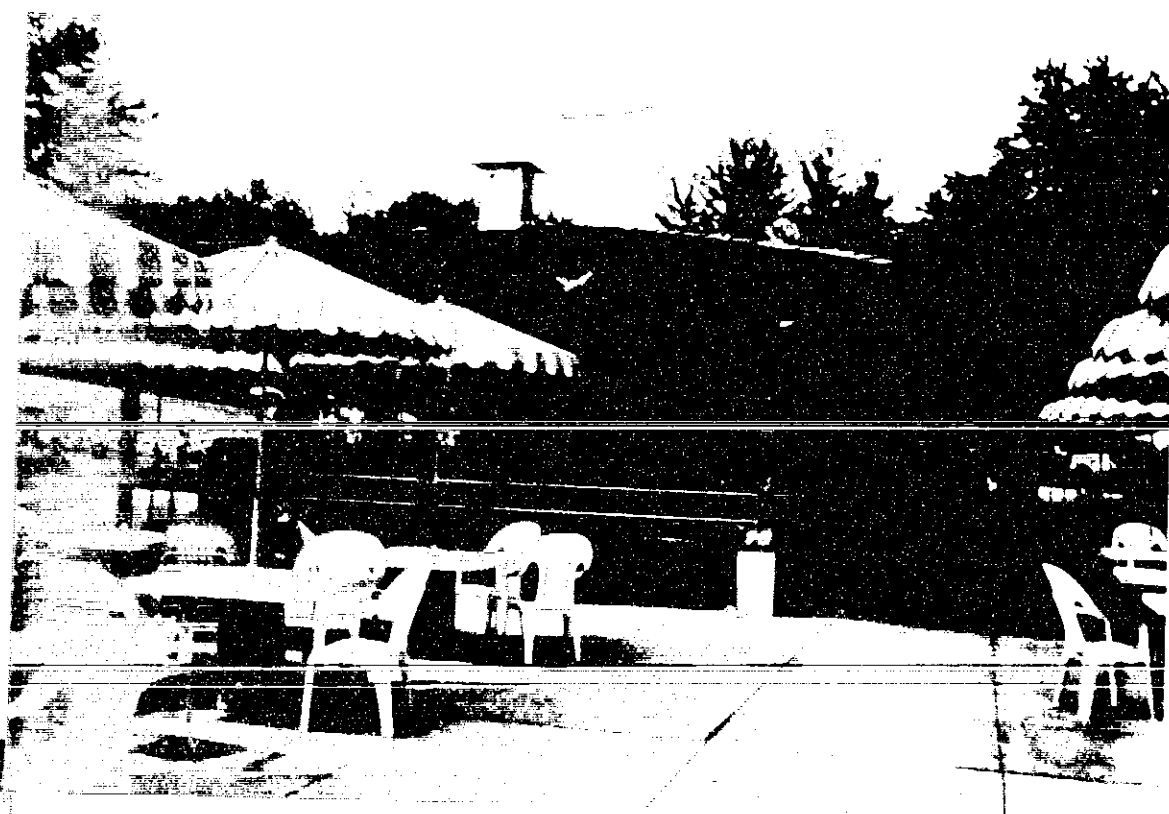
M. Pater to NE of Main Pool



N. Present undersized Club House and Office



O. Main Pool



P. Food Pavilion



Q. Main Pool looking East



R. Maint Area & South Pond.



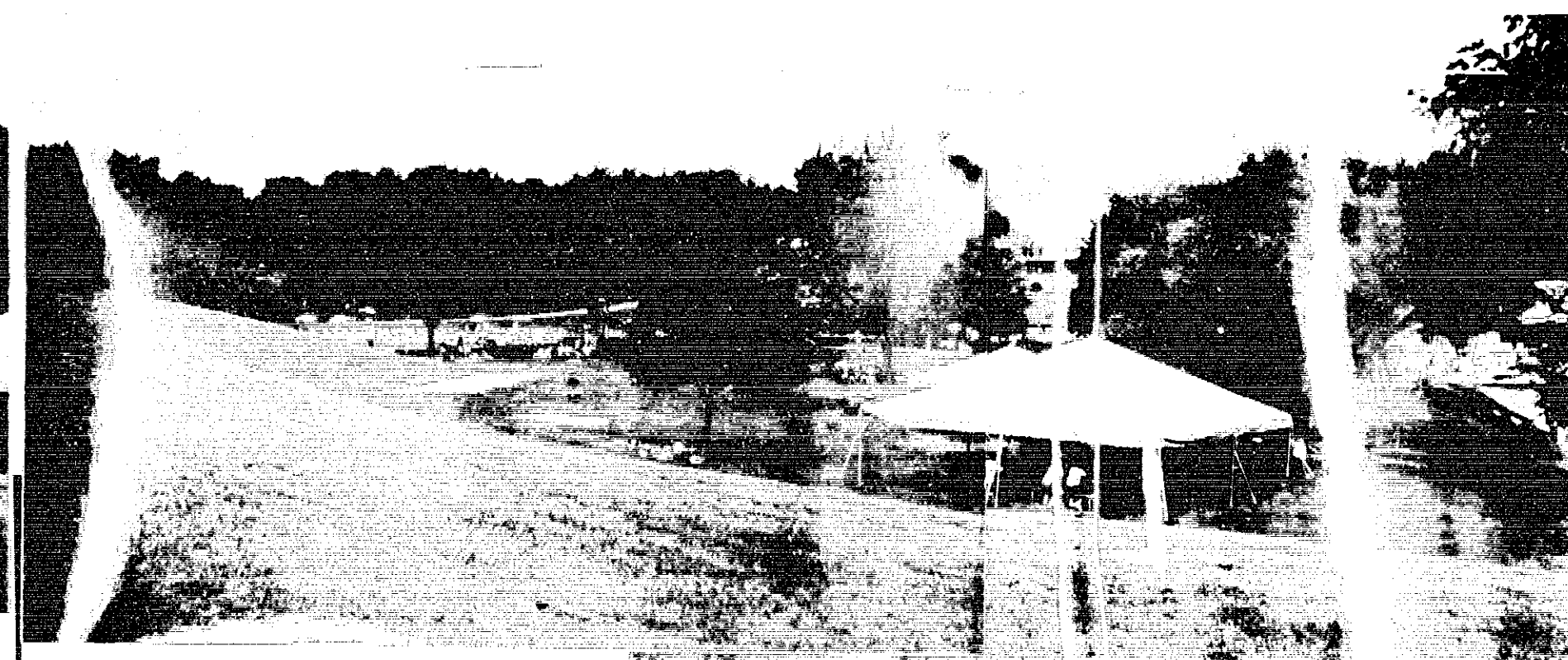
S. Looking S - Prop. Parking for Comm. Area / Day Care.



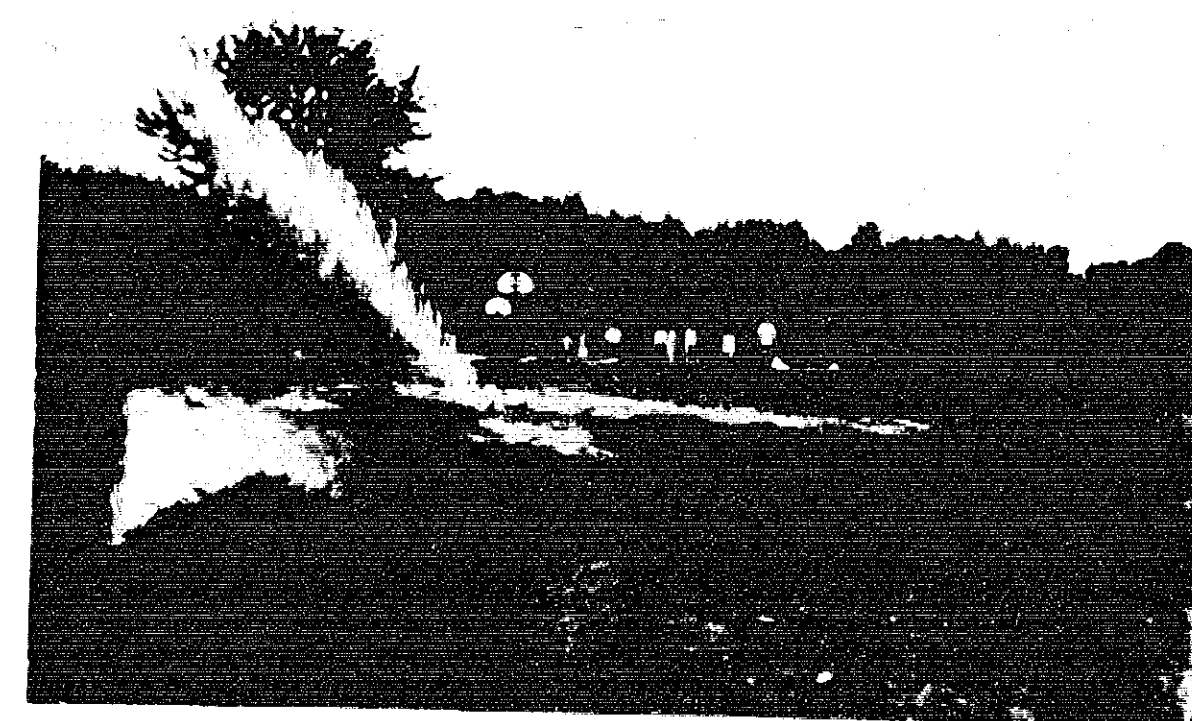
T. Directional Signs in Area of Comm. Bldg. / Day Care



U. Looking NE toward N Pool



V. Central Site looking NE



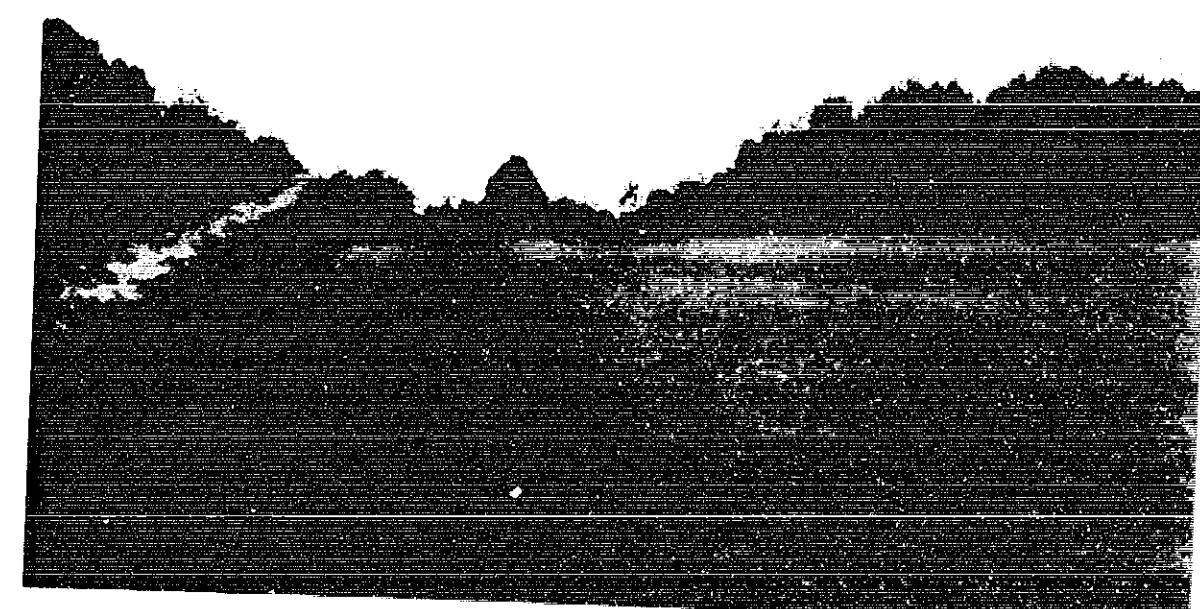
Y. Volleyball area north of prop. Comm. Bldg



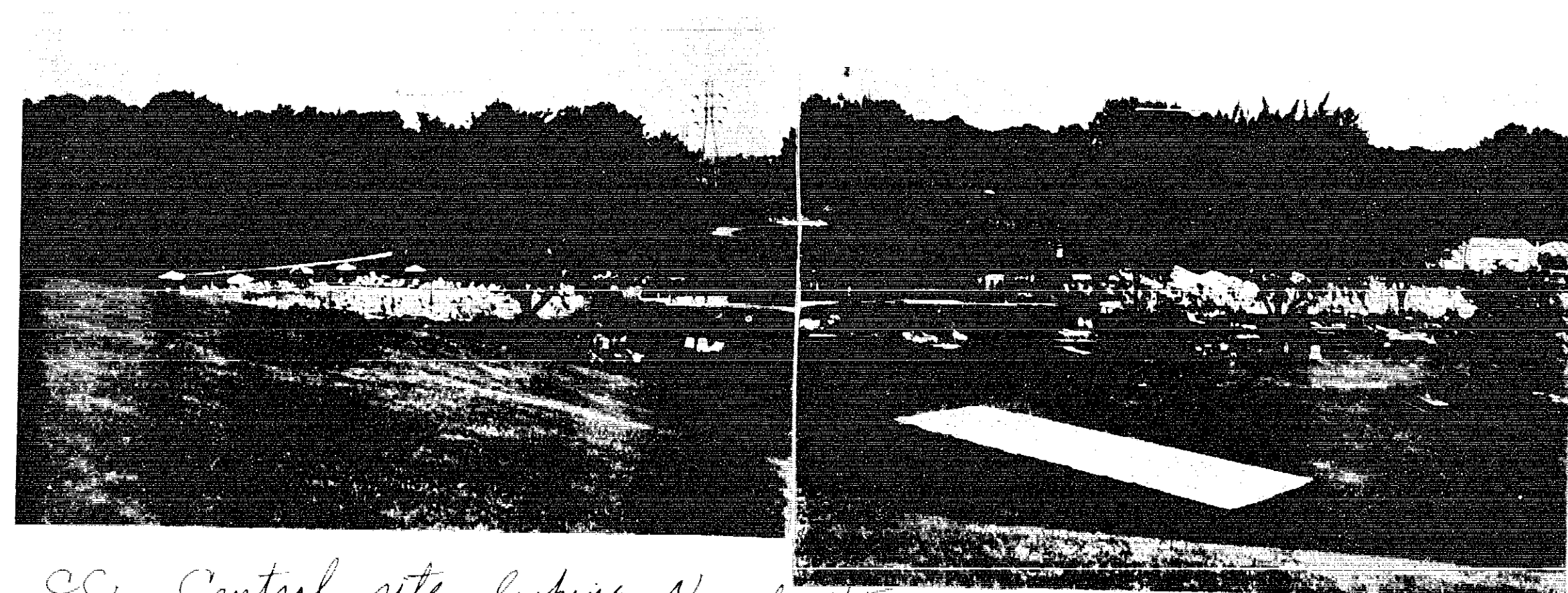
Z. Looking E. from Comm. Bldg site



W. Comm. Bldg. Area looking NE



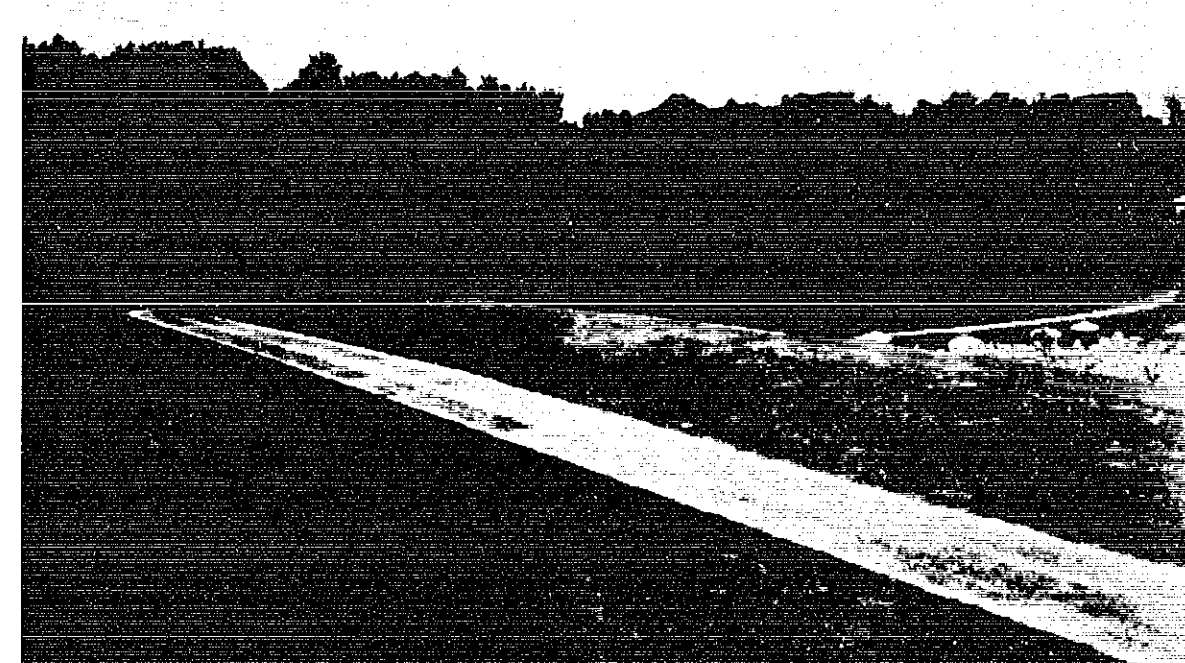
X. Looking NW from Comm. Bldg. site



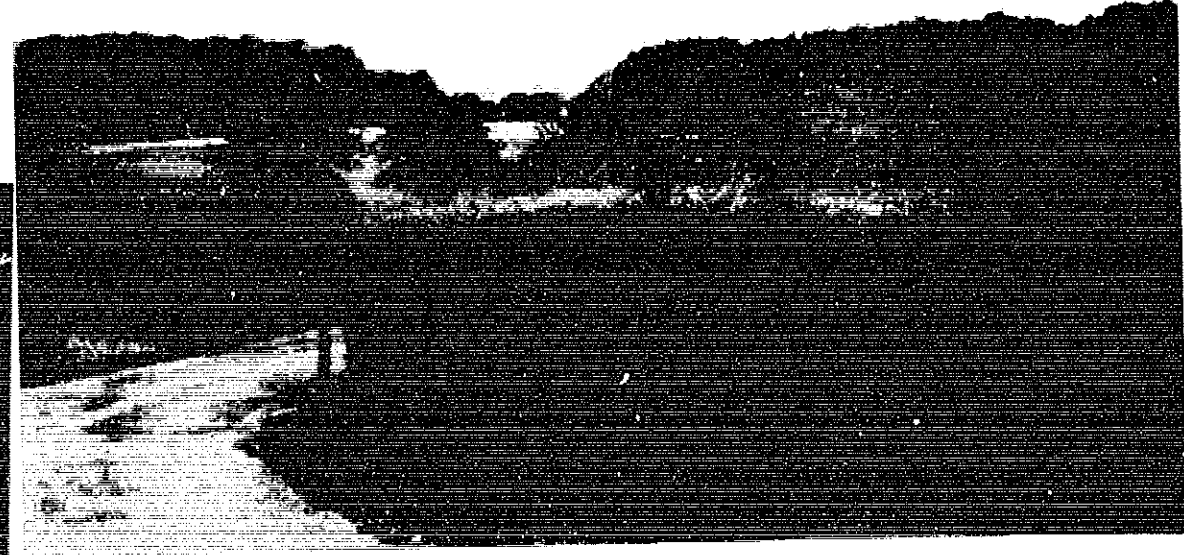
CC. Central site looking N and NE



AA. Looking SE from Comm. Bldg. site



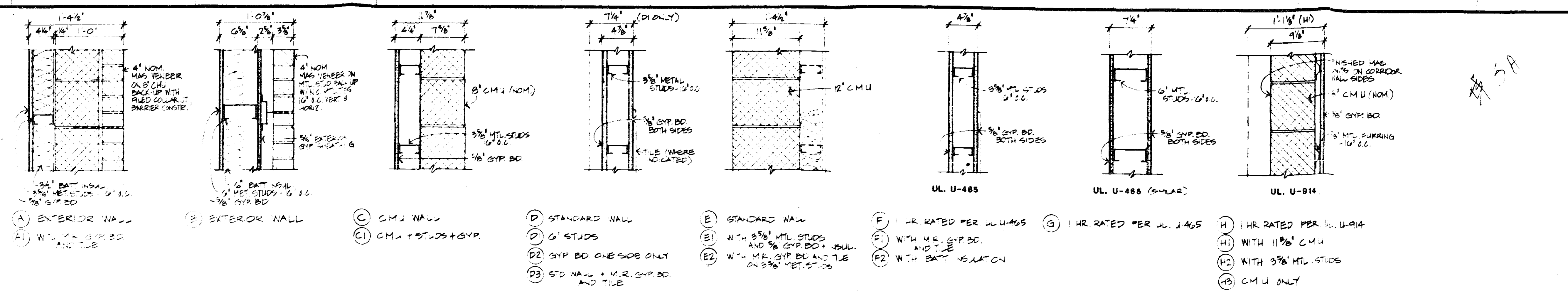
BB. Road serving central site



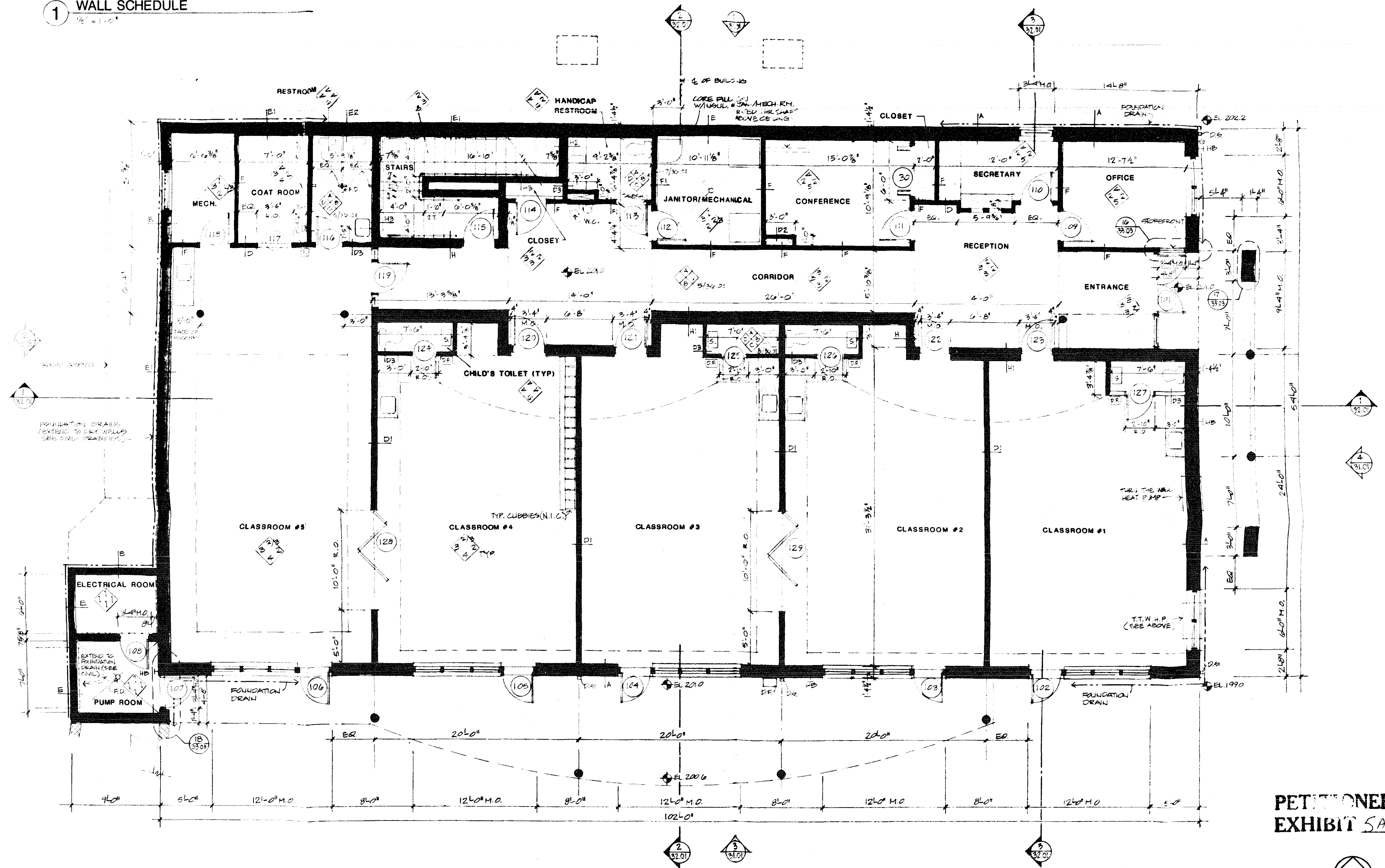
DD. Hedges at Gate



EE. Main Pool looking NE from central site



1 WALL SCHEDULE
1/2" = 1'-0"



NOTES

INTERIOR FINISH SCHEDULE

Ceiling

1. Unfinished
2. Painted Concrete Deck
3. Painted Gypsum Board
4. Acoustical Tile

Wall

1. Unfinished
2. Painted Gypsum Board
3. Stained Masonry Block
4. Ceramic Tile Wainscot
5. Vinyl Wall Covering
6. Epoxy Paint

Floor

1. Unfinished
2. Sealed Concrete
3. V.C.T. - Premium Grade
4. V.C.T. - Standard Grade
5. Carpet - \$18.00 per yard allowance
6. Ceramic Mosaic
7. Porcelain Ceramic Tile
8. Rubber Treads and Landing

Base

1. None
2. 4" Vinyl Straight
3. 4" Vinyl Cove
4. Ceramic Mosaic Tile
5. 4" Porcelain Bullnose Ceramic Tile

BASE JOISTING
WALL
FLOOR

SCALE

CLIENT

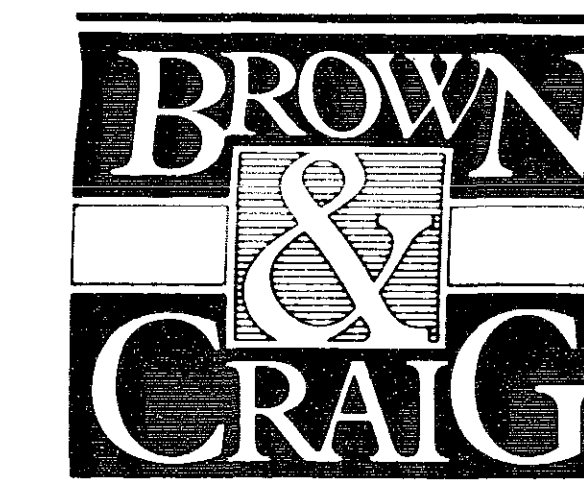
PADONIA PARK

PROJECT

PADONIA PARK
CHILD CARE

SHEET TITLE

FIRST FLOOR PLAN /
WALL TYPES



BROWN & CRAIG, INC. ARCHITECTS & DESIGNERS

407 NORTH CHARLES STREET

BALTIMORE, MARYLAND 21201-4470

410 - 837 - 2727

REVISIONS

6-8-83 PERMIT

DATE

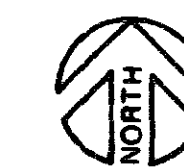
SCALE

1/4"=1'-0"

SHEET NUMBER

30.01

PETITIONER'S
EXHIBIT SA



NOTES

5B

SEAL

CLIENT
PADONIA PARK

PROJECT
PADONIA PARK
CHILD CARE

SHEET TITLE
SECOND FLOOR PLAN

BROWN & CRAIG

BROWN & CRAIG, INC. ARCHITECTS & DESIGNERS
407 NORTH CHARLES STREET
BALTIMORE, MARYLAND 21201-4470
410-837-2727

REVISIONS

8-6-98 PERMIT

DATE SCALE
1/4"=1'-0"

SHEET NUMBER
30.02

PETITIONER'S
EXHIBIT 5B

